

## § 151.61

ship. The following requirements should also be prominently stated:

(1) The discharge of all garbage is prohibited into the navigable waters of the United States and into all other waters except as specifically allowed;

(2) The discharge of all forms of plastic into all waters is prohibited;

(3) A person who violates the above requirements is liable for civil and/or criminal penalties; and

(4) Regional, state, and local restrictions on garbage discharges also may apply.

(d) For ships while operating on the Great Lakes or their connecting or tributary waters, the placard must—

(1) Notify the reader of the information in paragraph (c) of this section; or

(2) Notify the reader of the following:

(i) Except as allowed by § 151.66, the discharge of all garbage into the Great Lakes or their connecting or tributary waters is prohibited; and

(ii) A person who violates the above requirements is liable for a civil penalty for each violation, and the criminal penalties of a class D felony.

[USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

## § 151.61 Inspection for compliance and enforcement.

While within the navigable waters of the United States or the Exclusive Economic Zone, a ship is subject to inspection by the Coast Guard or other authorized federal agency to determine if—

(a) The ship has been operating in accordance with these regulations and has not discharged plastics or other garbage in violation of the provisions of the Act or Annex V of MARPOL;

(b) Grinders or comminuters used for the discharge of garbage between 3 and 12 nautical miles from nearest land are capable of reducing the size of garbage so that it will pass through a screen with openings no greater than 25 millimeters (one inch);

(c) Information for recordkeeping requirements, when required under § 151.55, is properly and accurately logged;

(d) A garbage management plan, when required under § 151.57, is on board and that the condition of the ship, equipment and operational procedures of the ship meet the plan; and

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(e) Placards, when required by § 151.59, are posted on board.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990; USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

## § 151.63 Shipboard control of garbage.

(a) The master, operator, or person who is in charge of a ship shall ensure that all garbage is discharged ashore or in accordance with §§ 151.66-151.73.

(b) The following factors, among others, may be considered by enforcement personnel in evaluating compliance with §§ 151.51 through 151.77:

(1) Records, including receipts, of garbage discharges at port reception facilities.

(2) Records under § 151.55 or log entries of garbage discharges.

(3) The presence and operability of equipment to treat ship-generated garbage, including, but not limited to, incinerators, grinders, or comminuters.

(4) The presence of and adherence to a written shipboard garbage management plan.

(5) The absence of plastics in ship stores.

(6) Ongoing educational programs to train shipboard personnel of garbage handling procedures and the need for these.

(7) The presence of shipboard spaces used for collecting, processing, storing and discharging ship-generated garbage.

(c) The master, operator, or person who is in charge of a ship shall ensure that if garbage is transported from a ship by shipboard personnel, it is properly deposited into a port or terminal's reception facility.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by CGD 88-002A, 55 FR 18583, May 2, 1990; CGD 92-71, 59 FR 18703, Apr. 19, 1994; USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

## § 151.65 Reporting requirements.

The master or person who is in charge of each oceangoing ship shall notify the port or terminal, at least 24 hours before entering the port or terminal, of the name of the ship and the estimated volume of garbage requiring disposal, if any of the following types of garbage are to be discharged:

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(a) Garbage regulated by the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture under 7 CFR 330.400 or 9 CFR 94.5;

(b) Medical wastes; or

(c) Hazardous wastes defined in 40 CFR 261.3.

[CGD 88-002, 54 FR 18405, Apr. 28, 1989, as amended by USCG-2012-1049, 78 FR 13492, Feb. 28, 2013]

### § 151.66 Operating requirements: Discharge of garbage in the Great Lakes and other navigable waters.

(a) Except as otherwise provided in this section, no person on board any ship may discharge garbage into the navigable waters of the United States. Cleaning agents or additives contained in deck and external surface wash water may be discharged only if these substances are not harmful to the marine environment.

(b)(1) On the U.S. waters of the Great Lakes, commercial vessels may discharge bulk dry cargo residues in accordance with and subject to the conditions imposed by this paragraph.

(2) As used in this paragraph and in paragraph (c) of this section—

*Apostle Islands National Lakeshore* means the site on or near Lake Superior administered by the National Park Service, less Madeline Island, and including the Wisconsin shoreline of Bayfield Peninsula from the point of land at 46°57'19.7" N. 090°52'51.0" W southwest along the shoreline to a point of land at 46°52'56.4" N. 091°3'3.1" W.

*Broom clean* means a condition in which the vessel's deck shows that care has been taken to prevent or eliminate any visible concentration of bulk dry cargo residues, so that any remaining bulk dry cargo residues consist only of dust, powder, or isolated and random pieces, none of which exceeds 1 inch in diameter.

*Bulk dry cargo residues* means non-hazardous and non-toxic residues, regardless of particle size, of dry cargo carried in bulk, including limestone and other clean stone, iron ore, coal, salt, and cement. It does not include residues of any substance known to be toxic or hazardous, such as nickel, copper, zinc, lead, or materials classified

as hazardous in provisions of law or treaty.

*Caribou Island and Southwest Bank Protection Area* means the area enclosed by rhumb lines connecting the following coordinates, beginning on the northernmost point and proceeding clockwise:

47°30.0' N, 085°50.0' W

47°24.2' N, 085°38.5' W

47°04.0' N, 085°49.0' W

47°05.7' N, 085°59.0' W

47°18.1' N, 086°05.0' W.

*Commercial vessel* means a commercial vessel loading, unloading, or discharging bulk dry cargo in the U.S. waters of the Great Lakes, or a U.S. commercial vessel transporting bulk dry cargo and operating anywhere on the Great Lakes; but the term does not include a non-self-propelled barge unless it is part of an integrated tug and barge unit.

*Comparable characteristics, cargoes, and operations* means similar vessel design, size, age, crew complement, cargoes, operational routes, deck and hold configuration, and fixed cargo transfer equipment configuration.

*Detroit River International Wildlife Refuge* means the U.S. waters of the Detroit River bound by the area extending from the Michigan shore at the southern outlet of the Rouge River to 41°54.0' N., 083°06.0' W. along the U.S.-Canada boundary southward and clockwise connecting points:

42°02.0' N, 083°08.0' W

41°54.0' N, 083°06.0' W

41°50.0' N, 083°10.0' W

41°44.52' N, 083°22.0' W

41°44.19' N, 083°27.0' W.

*Dry cargo residue (or DCR) management plan* means the plan required by paragraph (b)(5) of this section.

*Grand Portage National Monument* means the site on or near Lake Superior, administered by the National Park Service, from the southwest corner of the monument point of land at 47°57.521' N 089°41.245' W. to the northeast corner of the monument point of land, 47°57.888' N 089°40.725' W.

*Indiana Dunes National Lakeshore* means the site on or near Lake Michigan, administered by the National Park Service, from a point of land near Gary, Indiana at 41°42'59.4" N 086°54'59.9"